

110TH CONGRESS
2D SESSION

S. 3128

To direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2008

Mr. KYL introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “White Mountain
5 Apache Tribe Rural Water System Loan Authorization
6 Act”.

1 **SEC. 2. DEFINITIONS.**

2 (a) MINER FLAT PROJECT.—The term “Miner Flat
3 Project” means the White Mountain Apache Rural Water
4 System, comprised of the Miner Flat Dam and associated
5 domestic water supply components, as described in the
6 project extension report dated February 2007.

7 (b) SECRETARY.—The term “Secretary” means the
8 Secretary of the Interior, acting through the Commis-
9 sioner of Reclamation (or any other designee of the Sec-
10 retary).

11 (c) TRIBE.—The term “Tribe” means the White
12 Mountain Apache Tribe, a federally recognized Indian
13 tribe organized pursuant to section 16 of the Indian Reor-
14 ganization Act of 1934 (25 U.S.C. 476 et seq.).

15 **SEC. 3. MINER FLAT PROJECT LOAN.**

16 (a) LOAN.—Subject to the condition that the Tribe
17 and the Secretary have executed a cooperative agreement
18 under section 4(a), not later than 90 days after the date
19 of enactment of this Act, the Secretary shall provide to
20 the Tribe a loan in an amount equal to \$9,800,000, ad-
21 justed, as appropriate, based on ordinary fluctuations in
22 engineering cost indices applicable to the Miner Flat
23 Project during the period beginning on October 1, 2007,
24 and ending on the date on which the loan is provided, as
25 determined by the Secretary, to carry out planning, engi-

1 neering, and design of the Miner Flat Project in accord-
 2 ance with section 4.

3 (b) TERMS AND CONDITIONS OF LOAN.—

4 (1) INTEREST; TERM.—The loan provided
 5 under subsection (a) shall—

6 (A) be at a rate of interest of 0 percent;

7 and

8 (B) be repaid over a term of 10 years, be-
 9 ginning on January 1, 2013.

10 (2) FUNDS FOR REPAYMENT.—

11 (A) IN GENERAL.—For each of fiscal years
 12 2013 and 2014, in lieu of direct repayment by
 13 the Tribe of the loan provided under subsection
 14 (a), the amount described in subparagraph (B)
 15 shall be credited toward repayment of the loan.

16 (B) DESCRIPTION OF AMOUNT.—The
 17 amount referred to in subparagraph (A) is a
 18 portion of the funds in the Lower Colorado
 19 River Development Fund pursuant to section
 20 403(f)(2)(D)(vi) of the Colorado River Basin
 21 Project Act (43 U.S.C. 1543(f)(2)(D)(vi)) equal
 22 to—

23 (i) for fiscal year 2013, 50 percent of
 24 the outstanding balance of the loan under
 25 subsection (a) as of October 1, 2012; and

1 (ii) for fiscal year 2014, the remain-
2 ing balance of the loan as of October 1,
3 2013.

4 (c) ADMINISTRATION.—Subject to section 4, the Sec-
5 retary shall administer the planning, engineering, and de-
6 sign of the Miner Flat Project.

7 **SEC. 4. PLANNING, ENGINEERING, AND DESIGN.**

8 (a) COOPERATIVE AGREEMENT.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the date of enactment of this Act, the Secretary
11 shall offer to enter into a cooperative agreement
12 with the Tribe for the planning, engineering, and de-
13 sign of the Miner Flat Project in accordance with
14 this Act.

15 (2) MANDATORY PROVISIONS.—A cooperative
16 agreement under paragraph (1) shall specify, in a
17 manner that is acceptable to the Secretary and the
18 Tribe, the rights, responsibilities, and liabilities of
19 each party to the agreement.

20 (b) APPLICABILITY OF INDIAN SELF-DETERMINA-
21 TION AND EDUCATION ASSISTANCE ACT.—Each activity
22 for the planning, engineering, or design, of the Miner Flat
23 Project shall be subject to the requirements of the Indian
24 Self-Determination and Education Assistance Act (25
25 U.S.C. 450 et seq.).

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as are necessary to carry out this Act.

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